

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MAILED

AUG 12 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte TAKEHIKO HAMADA

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Application No. 09/057,455

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on July 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On December 23, 2003, an Examiner's Answer was mailed (Paper No. 17). A review of the Examiner's Answer reveals that there is insufficient evidence that an appeals conference was conducted by the examiner. The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, 2003) states:

Application No. 09/057,455

On the examiner's answer, below the primary examiner's signature, the word "Conferee" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

... If the examiner's answer does not contain the appropriate indication that an appeal conference has been held (i.e., including the names of the conferees and identifying themselves as the conferees along with their initials), the Board should return the application directly to the appropriate Technology Center (TC) Director for corrective action.

This Examiner's Answer does not contain any indication that an appeals conference was conducted as per the requirements above.

Accordingly, it is

ORDERED that the application is returned to the examiner

- (a) for the examiner to include evidence that a conference was held,
- (b) notification to appellants in writing that the appeal conference was held, and
- (c) for such further action as may be appropriate.

Application No. 09/057,455

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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